REMARKS

Favorable reconsideration is respectfully requested in view of the foregoing amendments and the following remarks.

I. CLAIM STATUS AND AMENDMENTS

Claims 3-7 and 9-13 were pending in this application when last examined and stand rejected.

Claims 4-7 are cancelled without prejudice or disclaimer thereto.

Claims 3 and 9-11 are amended. Support can be found from page 49, last line to page 50, line 3, page 58, lines 20-23 and page 59, lines 7-10, of the specification as filed.

No new matter has been added.

II. OBVIOUSNESS REJECTION

On pages 3-4 of the Office Action, claims 1-6 and 8-13 were rejected under 35 U.S.C. 103(a) as being unpatentable over Yoshida et al. (PGPUB 2004/0001824) in view of Zenmyo et al. (Calcified Tissue Int. Vol. 67(5), pp. 378-381, 2000) as evidence by Miyajii et al. (Japan Journal of Cancer Research, p. 174, 2002).

Applicants respectfully traverse this rejection as applied to the amended claims.

Without acquiescence to the correctness of the Examiner's rejection, the claims have been amended to be limited to humanized anti-PTHrP(1-34) antibody wherein the L chain V domain comprises a polypeptide with any one of the amino acid sequences of SEQ ID NOs: 48-55 and the H chain V domain comprises a polypeptide with the amino acid sequence of SEQ ID NO: 56. Such antibody is not taught or suggested by the cited art to be useful for treating condroma and condrosacoma and inducing a poptosis of condroma or cardrosarcoma cells. Thus, the invention of the amended claims is both novel and unobvious over the cited art.

It is further noted that Miyajii et al. was published on August 25, 2002 which is less than one year before the international filing date of this application. It is noted that in the supplemental response of November 28, 2007, it was shown that Miyajii et al. is not by another and it is unavailable as a reference. Thus, withdrawal of Miyajii et al. is solicited.

Also, Applicants again respectfully assert that Sato et al. (1993, Journal of Bone and Mineral Research, Vol. 8: 849-860) clearly disclose in the abstract that anti-PTHrP(1-34) monoclonal murine antibody did not affect FA-6 tumor (Pancreatic carcinoma cells) growth either in vitro or in vivo. Moreover, in Example 10 and Figs 27 and 28 of WO 98/13388 (USP 6,903,194), a humanized anti-PTHrP(1-34) antibody did not affect proliferation of tumor mass in vivo (further, see, Fig. 19 of WO 98/51329). Therefore, it is common sense to a person skilled in the art that anti-PTHrP(1-34) antibody would not affect proliferation of tumor cells at the priority date of this application.

Furthermore, Dackiw et al. (2005, Surgery, Vol. 138: 456-463) disclose that 9H7, which is anti-PTHrP$_{109-141}$ antibody raised against the C-terminal region of human PTHrP, has intense antitumor activity against all five anaplastic thyroid cancer (ATC) cell lines shown in Table I, but 8B12, which is anti-PTHrP1-34 antibody raised against the N-terminal region of human PTHrP, has antitumor activity only against the C463 cell line, and the activity thereof is very weak.

Additionally, we respectfully suggest that the Examiner misunderstands the invention disclosed in Yoshida et al. Yoshida et al. never disclose methods of treating diseases induced by general cell proliferation by administering anti-PTHrP(I-34) antibody. They merely disclose methods for inhibiting cell proliferation stimulated by administering PTHrP(34-53) by using anti-PTHrP(l-34) antibody.

Thus, the anaplastic thyroid cancer cell described in Yoshida et al., treated with PTHrP(34-53) fragment (see, section 0170) for inducing cell proliferation, are unusually stimulated cells and not a model for the claimed cancer.

It is noted that the above cited references were enclosed with our response of May 20, 2009.

Thus, for the above noted reasons, this rejection is untenable and should be withdrawn.

CONCLUSION

In view of the foregoing amendments and remarks, it is respectfully submitted that the present application is in condition for allowance and early notice to that effect is hereby requested.

If the Examiner has any comments or proposals for expediting prosecution, please contact the undersigned attorney at the telephone number below.

Respectfully submitted,

Hideki YOSHIKAWA et al.

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